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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,058

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EXAMINER

RUTKOWSKI, JEFFREY M

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

09/11/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,058	Applicant(s) KEESMAAT ET AL.	
	Examiner JEFFREY M. RUTKOWSKI	Art Unit 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-20 have been cancelled.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 21-40** are rejected under 35 U.S.C. 102(e) as being anticipated by Petty et al. (US Pat 6,337,858), hereinafter referred to as Petty.

3. For **claims 21 and 38**, Petty discloses an Internet Service Provider (ISP) intranet **12** (switch fabric), that is part of (situated within) an internetwork (telecommunications network) made up of the ISP Intranet **12**, PSTN **14** and the Internet **16** [**col. 6 lines 43-46 and figures 1 and 6**]. The ISP intranet **12** contains a Computer Telephony Integration (CTI) hardware bridge **44** (bridging circuit) to interconnect two distinct connections, completing the end-to-end path [**col. 5 line 65 to col. 6 line 10**]. The two distinct connections allows the call to be controlled by the user or a service subscriber's agent (peripheral apparatus) [**col. 5 line 65 to col. 6 line 10**]. The switch fabric includes a web server **38**, a CTI server **40**, and an Operations Administration and Maintenance (OAM) server **52** (computer apparatuses) [**col. 10 lines 8-65**]. Figure 1 shows the network equi

4. For **claims 22 and 23**, Petty anticipates the use of a control section and a voice data section by disclosing control messages (control section) are exchanged in the setup of a Voice

Over Internet Protocol (VoIP) call before conversation (voice data section) takes place between two endpoints **[figure 6]**.

5. For **claim 24**, Petty teaches the CTI hardware, implemented by a service provider, supports the use of VoIP gateway, Plain Old Telephone Service (POTS) or packet trunk technology environments **[col. 5 lines 54-65]**.

6. For **claim 25**, Petty teaches the Computer Telephony Integration (CTI) hardware bridges **44** the two distinct connections **[col. 5 line 65 to col. 6 line 10]** during a VoIP call **[figure 6]**. To establish a VoIP call control messages are passed between network nodes, forming a control network **[figure 6]**.

7. For **claims 26 and 27**, Newton's Telecom Dictionary defines a switch fabric as the facility for interconnecting any two service providers. Petty, anticipates the use of a single and a multiple switch fabric by disclosing the capability for a user to make a call from one location to another via the Internet **[col. 10 lines 8-15 and figure 6]**.

8. For **claims 28, 29 and 30**, Petty teaches control signals are received from two different fabrics interconnected via CTI hardware **44 [figure 6]** via Internet connection **[col. 10 lines 8-15]**.

9. For **claim 32**, Petty teaches the use of a VoIP gateway (signaling gateway) **[col. 5 line 62]**. Petty's apparatus includes a VoIP gateway **42**, a web server **38**, and a CTI server **40 [col. 6 lines 47-55 and figure 2]**.

10. For **claim 33**, figure 6 of Petty shows a computer terminal interacting with Petty's servers.

11. For **claim 34**, Petty teaches commands are used for call establishment and tear down **[figure 6]**.
12. For **claim 35**, Petty teaches the use of a billing server **50 [figure 2]**.
13. For **claim 36**, Petty discloses an Internet Service Provider (ISP) intranet **12** (switch fabric), that is part of (situated within) an internetwork (telecommunications network) made up of the ISP Intranet **12**, PSTN **14** and the Internet **16 [col. 6 lines 43-46 and figures 1 and 6]**. A computer system used by the ISP intranet **12 [col. 6 lines 10-15 and figure 1]** which uses CTI hardware to allow voice calls to be placed over the Internet **[col. 5 lines 60-62]**. For each voice call made over the Internet (telecommunication network), two distinct connections (first connection and a second connection) are created, allowing the call to be controlled by the user or a service subscriber's agent (computer apparatus). The CTI hardware bridges the two distinct connections, completing the end-to-end path **[col. 5 line 65 to col. 6 line 10]**.
14. For **claim 37**, Petty anticipates the use of control commands by disclosing a CTI server portion of the CTI system interfaces with an H.323 hardware board **[col. 7 lines 22-32]**. Figure 6 of Petty discloses the use of messages (control commands) to establish and tear-down a VoIP connection between two endpoints.
15. For **claim 38**, CTI hardware bridges the two distinct connections, completing the end-to-end path **[col. 5 line 65 to col. 6 line 10]**.
16. For **claims 39 and 40**, Petty teaches a VoIP call made from a user's terminal to a different user's phone at a remote location, where the information path travels through a CTI server **40** and CTI hardware **44 [col. 10 lines 8-65 and figure 6]**. Messages (control commands)

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are exchanged between the networks that allows the call to be established between the two endpoints.

Response to Arguments

17. Argument:

18. The Applicants have devised an inventive approach which relies on the PSTN to implement the call establishment, routing and bridging functions and thus eliminates any need to include any switch fabric external to the PSTN and the high cost attendant thereto.

19. In particular, and in sharp contrast to the teachings of the '858 Petty et al patent, the present invention relies on using an external computer to communicate control information directly to the PSTN such that the establishment, routing and bridging of half calls all occur within the PSTN itself.

20. The Applicants' reliance on, and broad inventive concept, of using the call establishment, switching and bridging capabilities of the PSTN itself, but controlled through an external computer apparatus, lies directly contrary to the explicit teachings in the '858 Petty et al patent.

21. Response:

22. The Applicant is arguing features that are not required by the claims. For example, the Applicant's argument cites the telecommunications network as being limited to a PSTN.

However, the Specification does not limit the telecommunications network to only the PSTN [page 11 00044]. Similarly, there is no requirement in the claims that the computer apparatus be located external to the PSTN.

23. Applicant's arguments filed 06/16/2008 have been fully considered but they are not persuasive, for the reasons stated above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEFFREY M. RUTKOWSKI whose telephone number is (571)270-1215. The examiner can normally be reached on Monday - Friday 7:30-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jeffrey M Rutkowski
Patent Examiner
09/08/2008

/Hassan Kizou/
Supervisory Patent Examiner, Art Unit 2619